

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THOMAS MESSER,

Plaintiff

v.

C-1-10-545

COMMISSIONER OF SOCIAL SECURITY,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 14) to which neither party has objected.

Upon a ***de novo*** review of the record, the Court finds that the Magistrate Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. This Court accepts the Report as uncontroverted. The Report and Recommendation is **ADOPTED AND INCORPORATED** herein.

Accordingly, for the reasons stated in the Report and Recommendation (doc. no. 14), this matter is **REVERSED AND REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation. On remand, the ALJ should reassess the weight to afford the treating cardiologist's opinions and clarify the presence of organ damage as indicated in Dr. Razavi's 2007 report. The ALJ should also authenticate the unsigned and undated mental assessment, weigh such opinion in accordance with the regulations and Sixth Circuit law, reassess plaintiff's RFC and obtain additional vocational evidence as warranted.

This matter is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court